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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,439	03/29/2001	Tsuyoshi Miura	FUJR 18.498	1744

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EXAMINER

JERABEK, KELLY L

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 09/30/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/821,439

Applicant(s)

MIURA ET AL.

Examiner

Kelly L. Jerabek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 4 rejected under 35 U.S.C. 102(e) as being anticipated by Sugimoto, US 6,441,856.

Claim 1 recites "An image monitor apparatus for monitoring an image, comprising: a camera which picks up an image" reads on Sugimoto (fig. 1, 38). "an illumination unit which includes, a light emission unit having at least one light emitting element" reads on Sugimoto (fig. 1, 38). "an emission control unit which controls the at least one light emitting element" reads on Sugimoto (fig. 1, 32; col.7, lines 58-59). "a processing unit which includes, an image signal acquiring unit which performs analog-to-digital conversion of said image picked up by said camera so as to generate a digitized image signal" reads on Sugimoto (fig.1, 14; col. 5, lines 39-44). "stores the digitized image signal" reads on Sugimoto (fig. 1,

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16; col.5, lines 44-46). "a luminance examining unit which examines luminance of the image represented by said digitized image signal, and determines whether or not an amount of light detected by said camera and stored in an image-pickup plane of the camera is appropriate" reads on Sugimoto (fig.1, 22,24,26; col.6, lines 8-67; col. 7, lines 1-47). "a luminance control unit which controls at least one of said camera and said illumination unit so that said amount of light becomes appropriate for suppressing disturbances in said image, when said luminance examining unit determines that the amount of light detected by said camera and stored in the image-pickup plane is not appropriate for suppressing disturbances in said image" reads on Sugimoto (fig. 1, 32; col.7, lines 52-62).

Claim 4, see claim 1.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Sugimoto as applied to claim 1 above and further in view of Yahav.

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Claim 2 recites "An image monitor apparatus according to claim 1, wherein said luminance control unit makes feedback control of said camera so that a shutter speed of said camera is increased within such a range that a duration in which a shutter of the camera is open is not shorter than a duration of illumination by the illumination unit, and an iris opening of said camera is maximized", which is substantially the same as claim 1 except for the mention of shutter speed duration and iris opening as claimed. However, shutter speed duration reads on Sugimoto (col.7, lines 52-60). Also, the concept of varying the iris opening in order to control the optical extent of the extended light source is well known and used in the art as evidenced in Yahav (col.7, lines 29-34; fig. 1A, 64).

Therefore, taking the combined teaching of Sugimoto and Yahav as a whole, it would have been obvious to modify Sugimoto to include a variable-aperture iris as taught in Yahav. Doing so would provide a method for obtaining images that have sufficient luminance characteristics.

Claim 3 recites "An image monitor apparatus according to claim 2, wherein when said amount of light cannot become appropriate for suppressing disturbances in the image even when said shutter speed of said camera is increased by said feedback control to said duration of illumination, said luminance control unit increases an amount of light emitted by said illumination unit, and reduces the size of the iris opening", which is substantially the same as claim 2 except for the mention of the increase of light emitted and the reduction of the iris opening as claimed. However, the increase of light emitted reads on Sugimoto (col.13, lines 6-32). Also, the concept of varying the iris opening in

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order to control the optical extent of the extended light source is well known and used in the art as evidenced in Yahav (col.7, lines 29-34; fig. 1A, 64).

Therefore, taking the combined teaching of Sugimoto and Yahav as a whole, it would have been obvious to modify Sugimoto to include a variable-aperture iris as taught in Yahav. Doing so would provide a method for obtaining images that have sufficient luminance characteristics.

Claims 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Sugimoto as applied to claim 1 above and further in view of Yokonuma.

Claim 5 recites "An image monitor apparatus according to claim 1, wherein said luminance control unit automatically detects blooming or smearing in said image based on said luminance of the image", which is substantially the same as claim 1 except for the mention of blooming or smearing as claimed. However, image smearing is well known and used in the art as evidenced in Yokonuma (col.2, lines 14-20).

Therefore, taking the combined teaching of Sugimoto and Yokonuma as a whole, it would have been obvious to modify Sugimoto to include a camera that detects and is capable of preventing occurrences of smearing as taught in Yahav. Doing so would provide a method for obtaining images that have sufficient luminance characteristics and image quality.

### ***Conclusion***

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jiang et al. (US Patent #: 6,603,507) discloses a method for controlling a light source in a night vision surveillance system. The information disclosed in this document regarding the control of illumination devices is pertinent material.

### ***Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kelly Jerabek whose telephone number is (703) 305-8659. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached at (703)-305-4929.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

The fax number for submitting all Official communications is (703) 872-9306.

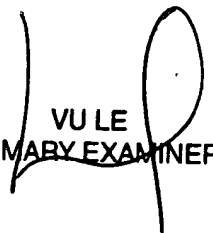
The fax number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at (703) 746-3059.

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KLJ

VU LE  
PRIMARY EXAMINER

A handwritten signature in black ink, consisting of a large, stylized 'V' followed by a loop and a vertical line, positioned over the printed name 'VU LE'.